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December 22, 2019

Hon. Vernon S. Broderick
Judge, U.S. District Court, S.D.N.Y.
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: Avalon Holdings Corporation v. Guy Gentile et ano, 18 CV 7291 (VSB)
New Concept Energy v. Guy Gentile et ano., 18 Cv 8896 (VSB)
Orders of Reference

Your Honor:

I am one of Plaintiffs' counsel in the above captioned matters and I write to request a modification to the Orders of Reference entered in both cases on December 20, 2019, ECF documents #s 44 and 44.

As counsel for all parties stated in open court on that date, these cases involve approximately 6,000 securities transactions which will need to be examined in detail to determine the validity, if any, of affirmative defenses pled. I anticipate that such discovery will be time-consuming and will be the subject of numerous disagreements or squabbles concerning scope of inquiry, collateral actions taken by the parties, etc. and that the early intervention of the Magistrate Judge will likely contribute to economy of judicial resources and of the litigants. For those reasons I asked for a General Pre-trial reference in the Pre-trial letter submitted for Friday's conference.

Your Honor entered Orders of Reference which limit the reference to "Settlement". There can be and will be no useful settlement discussions until substantial discovery has first been had. Limiting the reference to settlement makes the references largely fruitless at this early point in the cases.

I respectfully request and move that Your Honor modify the Orders of Reference to vest the Magistrate Judge with General Pre-trial purposes and responsibilities so that counsel may go before him fruitfully and promptly.

Very truly yours,

David Lopez

DL/el

All Counsel via ECF